

1 Lb. 4 Oz. Sugar Corn," and the remainder, "Tropic Brand Net contents 1 Lb. 4 Oz. Sweet Corn." A portion of the product involved in the consignment of November 4 was labeled in part, "Meco Brand Corn, Net Contents 1 pound 4 ounces," and the remainder, "Grocers Club Sugar Corn Packed by Vinton Canning Co., Vinton, Iowa. Net Weight 1 Lb. 4 Oz."

Examination of samples of the article by the Bureau of Chemistry of this department showed that 36 cans of the Manco Brand averaged 1 pound and 3.55 ounces, 36 cans of the Tropic Brand, 1 pound and 3.35 ounces, 8 cans of the Meco Brand, 1 pound and 3.66 ounces, and 8 cans of the Grocers' Club Brand, 1 pound and 3.74 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents 1 Lb. 4 Oz.," borne on the cans containing the article, regarding it, was false and misleading, and the article was labeled so as to deceive and mislead the purchaser in that it represented that each of said cans contained 1 pound 4 ounces net of the article, whereas, in truth and in fact, each of said cans did not contain 1 pound 4 ounces net of the article, but did contain a less amount. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 7, 1920, the defendant company entered a plea of guilty, and the court imposed a fine of \$25 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**8965. Adulteration of vinegar. U. S. \* \* \* v. Cornelius W. Davis (C. W. Davis & Son).**  
Plea of guilty to counts 1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, and 34 of the information, charging adulteration. Fine, \$300. Nolle prosequi entered as to remaining counts. (F. & D. No. 12306. I. S. Nos. 15382-r, 15383-r, 15384-r, 15398-r, 15399-r, 15400-r, 15426-r, 15428-r, 15429-r, 15430-r, 15431-r, 15432-r.)

On December 9, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information in 35 counts against Cornelius W. Davis, trading as C. W. Davis & Son, Washington, D. C., alleging that the said defendant did offer for sale and did sell, at the District of Columbia, in violation of the Food and Drugs Act, on January 20 and January 27, 1919, September 6, November 13, and August 6, 1918, November 1, 1919, September 28, 1918, March 7, March 22, and December 2, 1919, September 4 and May 22, 1918, respectively, quantities of vinegar which was adulterated. The sales made on the 6 dates first mentioned involved a product labeled in part, "Analoostan Brand Distilled Table Vinegar \* \* \* Guaranteed by C. W. Davis \* \* \* Bottled by C. W. Davis & Son 801 G. St., S. W. Washington, D. C." The sales made on the 3 dates next mentioned involved a product labeled in part, "Analoostan Brand High Grade Distilled White Vinegar \* \* \* Bottled by C. W. Davis & Son." The sales made on the 2 dates next mentioned involved a product labeled in part, "Pure Cider Vinegar made from the juice of fresh apples C. W. Davis & Son." The sale made on the last-mentioned date involved a product labeled in part, "Pure White Vinegar Made from Grain C. W. Davis & Son."

Analyses of samples by the Bureau of Chemistry of this department showed that the Distilled Table Vinegar consisted of dilute acetic acid or distilled vinegar colored with caramel, and that it contained excessive added water; that the Distilled White Vinegar was diluted with excessive water and was deficient in acid strength; that the Pure Cider Vinegar consisted of distilled vinegar or dilute acetic acid colored with caramel, with little, if any, cider vinegar present; and that the Pure White Vinegar was dilute acetic acid or distilled vinegar, diluted with excessive water and deficient in acid strength.

Adulteration of the article was alleged in substance in the information for the reason that substances, to wit, distilled vinegar and added water, or, in the products

involved in the sales of September 28, 1918, of High Grade White Vinegar, and of May 22, 1918, of Pure White Vinegar, a substance, to wit, water, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for vinegar, which the article purported to be. Adulteration was alleged with respect to the product involved in all the sales with the exception of those of January 27, 1918, of Distilled Table Vinegar, of September 28, 1918, of High Grade White Vinegar, and of May 22, 1918, of Pure White Vinegar, for the reason that it was a product composed of distilled vinegar and added water, a product inferior to vinegar, and was artificially colored so as to simulate the appearance of natural colored vinegar, and in a manner whereby its inferiority to natural colored vinegar was concealed.

On December 9, 1920, the defendant entered a plea of guilty to counts 1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, and 34 of the information, charging adulteration, and the court imposed a fine of \$25 on each count, a total of \$300. A nolle prosequi was entered as to the remaining counts of the information, charging misbranding of the product.

E. D. BALL, *Acting Secretary of Agriculture.*

**8966. Misbranding of Wade's Golden Nervine. U. S. \* \* \* v. 15 Packages of Wade's Golden Nervine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13285. Inv. No. 23361. S. No. C-2431.)**

On or about September 1, 1920, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 packages of Wade's Golden Nervine, remaining in the original unbroken packages at Fort Wayne, Ind., alleging that the article had been shipped on or about February 4, 1920, by the Gem Medicine Co., St. Louis, Mo., and transported from the State of Missouri into the State of Indiana, and charging misbranding under the Food and Drugs Act, as amended. The article was labeled in part: (Circular) "Nervine \* \* \* Nervous Debility in Men and Women \* \* \* Weak Heart, \* \* \* Rheumatism, Neuralgia, Kidney Weakness, Weak Back, Catarrhal Affections, Female Weakness, Nervous Indigestion, Nervous Headaches, Malaria, Ague, and Liver, Kidney, Bowel, Stomach and Blood troubles generally. Alcoholic Excesses;" (bottle) "Nervine \* \* \* A remedy for Nervous Debility, Insomnia, Weak Heart, Etc. \* \* \* Restorative in all Nervous Conditions, resulting from Excesses, Worry, Overwork and to Promote and Restore Normal Conditions of Strength, Vigor and Vitality;" (carton) "Nervine \* \* \* a purely Vegetable Product \* \* \* a powerful up-building Restorative \* \* \* Valuable in all Weakened and Run down Conditions \* \* \* Remedy for Nervous Debility, Insomnia, Weak Heart, Etc. \* \* \* Restorative in all Nervous Conditions, resulting from Excesses, Worry, Overwork and to Promote and Restore \* \* \* Strength, Vigor and Vitality \* \* \* in all run down conditions of the system \* \* \* a general nutrient."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted of pills composed essentially of iron, phosphates, strychnine, damiana, and gentian.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements on each of said packages, with respect to the curative and therapeutic effects of said article, were false and fraudulent in that the article did not contain any ingredient or combination of ingredients capable of producing the results claimed.

On October 8, 1920, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*